

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

Case No: 1-22-cv-00853

MASSACHUSETTS BAY INSURANCE
COMPANY, a New Hampshire Company,

Plaintiff,

v.

ECL GROUP, LLC,

Defendant.

**PLAINTIFF’S NOTICE OF VOLUNTARY DISMISSAL
WITHOUT PREJUDICE**

Plaintiff Massachusetts Bay Insurance Company (“MBIC”), by its counsel of record, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), voluntarily dismisses this action, without prejudice, and in support states as follows:

1. On October 7, 2022, Plaintiff filed the instant declaratory judgment action seeking a declaration that it has no duty to defend or indemnify ECL Group, LLC (“ECL”) in connection with several underlying putative class actions.
2. Defendant ECL has not filed an appearance or answer in this action, nor has it asserted any counterclaim against Plaintiff.
3. Accordingly, Plaintiff MBIC hereby dismisses this lawsuit in its entirety against Defendant ECL, without prejudice.

Respectfully submitted,

Massachusetts Bay Insurance Company

By: /s/ Kelly M. Ognibene
One of its Attorneys

Kelly Ognibene, Esq., *by special appearance* (ARDC #6297327)
Lewis Brisbois Bisgaard & Smith, LLP
550 West Adams Street, Suite 300
Chicago, Illinois 60661
312-345-1718
312-345-1778-facsimile

Christopher J. Derrenbacher
LEWIS BRISBOIS BISGAARD & SMITH LLP
N.C. State Bar 25402
3600 Glenwood Ave., Suite 350
Raleigh, NC 27612
Christopher.Derrenbacher@lewisbrisbois.com
Attorneys for Plaintiffs